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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 10.55 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3)

1. The CHAIRMAN said that, after considering the various suggestions for organizing the work of the session, the officers proposed a provisional timetable that could be revised later in consultation with the coordinators of the various regional groups. In response to requests made at the previous meeting by various members of the Commission, they recommended the addition to the agenda of two new items, entitled: "Situation of human rights in the territory of the former Yugoslavia", which would be item 27; and "Commemoration of the International Year of the World's Indigenous People", which would be item 28. Item 27 could be considered on 9 and 10 February 1993, provided that the Special Rapporteur, Mr Mazowiecki, was able to submit his report at that date; and item 28 on 17 February 1993, which was the date when the Commission would receive Ms. Rigoberta Menchú, the Nobel Peace laureate. A decision would be taken with regard to consideration of the reports on El Salvador and Guatemala when they became available.

2. The officers also recommended that, as was customary, the members of the Commission should be limited to one statement of 15 minutes or two statements of 10 minutes per item, and observers and non-governmental organizations to one statement of 10 minutes per item. Observer States and liberation movements mentioned in a report would be able to make one statement of 15 minutes or two statements of 10 minutes per item. There would be three lists of speakers, one for members of the Commission, one for observer States and one for non-governmental organizations; the lists would be taken in that order. With regard to rights of reply, the practice followed by the General Assembly, namely, limiting that right to two replies, five minutes for the first and three minutes for the second, would be observed. In view of the extremely heavy agenda, it would, moreover, be desirable for delegations from the same regional group or several non-governmental organizations to combine a number of statements of the same tenor into a single statement on certain subjects.

3. The officers further proposed that, as at previous sessions, the various experts and special rapporteurs should be invited to appear before the Commission to introduce the studies or reports which it had requested them to prepare on the various agenda items, and that a number of distinguished personalities who had expressed the wish to address the Commission should be invited to do so. Concerning the participation of the Czech Republic in the work of the Commission, the officers had taken note of the letters addressed to the Commission by the authorities of that State and of the Slovak Republic, announcing that, by virtue of an agreement between the two countries, the Czech Republic would occupy the seat of the former Czech and Slovak Federal Republic. The officers were nevertheless of the opinion that it was for the Economic and Social Council to pronounce on that matter and that, in the meantime, both States would take part in the work of the Commission as observers.

4. Mr. BROTODININGRAT (Indonesia) said that, according to the provisional timetable which had been distributed, item 28 was one of those on which draft resolutions would be submitted for adoption. Given that the new item dealt with commemoration of the International Year of the World's Indigenous People, he presumed that that was an error.

5. The CHAIRMAN said that there had indeed been a mistake, which would be corrected by the Secretariat.

6. Mr. DUBOIS (Canada) said he noted with great satisfaction that items 19 and 28 would be considered together; that would permit the representatives of indigenous peoples to be present for the Commission's commemoration of the International Year.

7. Mr. ALFONSO MARTINEZ (Cuba) drew the Commission's attention to operative paragraph 1 of resolution 1992/83 adopted at its forty-eighth session, in which it had decided to consider the question of the rationalization of its work at the beginning of its forty-ninth session. The officers might, perhaps, wish to consider at their next meeting what should be done in that regard.

8. The CHAIRMAN said that the officers had taken due note of that observation, and would examine the matter at their next meeting. If he heard no objection, he would take it that the Commission wished to adopt the various proposals made by the officers, together with the provisional timetable for the forty-ninth session.

9. The officers' proposals were adopted.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1993/3, 6, 9, 12, 13 and 70-74; A/47/76, 262 and 509)

10. Mr. RAMLAWI (Observer for Palestine) congratulated Mr. Ennaceur (Tunisia) on his election as Chairman of the Commission at its forty-ninth session, and assured him of the full cooperation of the Palestinian delegation. He also thanked the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the Committee on the Exercise of the Inalienable Rights of the Palestinian People, whose reports testified to Israeli violations in those territories. The hopes engendered when Mr. Yitzhak Rabin had assumed office in June 1992 had rapidly disappeared. That had come as no surprise to all those familiar with Mr. Rabin's active role since 1967 in all matters related to the occupied territories, who knew that the promises made during his electoral campaign were just another set of lies. Mr. Rabin's Government was, moreover, pursuing the same inflexible policy as that followed by Israel for more than 20 years, which was based on the violation of the principles set out in the international human rights instruments as well as the principles of international humanitarian law. The deliberate murder of Palestinian men, women and children in occupied Palestine was a flagrant violation of the 1949 Geneva Conventions, of article 6 of the International Covenant on Civil and Political Rights and of article 3 of the Universal Declaration of Human Rights. It was difficult to see how such a policy could be described as

anything but a crime against humanity, as defined by the Nuremberg Tribunal, for which the authors should be judged and condemned by the international community. The question also arose as to what could be said regarding the treatment inflicted on Palestinians during interrogation and detention, as evidenced in the reports by the Special Committee and by Amnesty International. That was surely a form of torture, carried out in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of article 5 of the Universal Declaration, of article 7 of the International Covenant on Civil and Political Rights and of articles 31 and 32 of the Fourth Geneva Convention of 1949. Such practices appeared to constitute war crimes under the First Additional Protocol to the Geneva Conventions. The Commission must ask itself when and how the international community would put an end to them and punish those responsible.

11. The violations of human rights inflicted on Arabs in the occupied territories by the Israeli Government had been compounded by the recent deportation of 415 Palestinians to Lebanon. That action formed part of Israel's decades-old policy of "cleansing" those territories of the Arab population, in order to implant its own settlements there. All the Israeli practices (expulsions, expropriations, murders, and so on) were an affront to the 14 resolutions whereby the United Nations had, since 1967, called on Israel to respect the Fourth Geneva Convention, the latest in the long list of which was Security Council resolution 799 (1992), demanding that Israel ensure the safe and immediate return of the expelled Palestinians to their homes. Nevertheless, the Israeli Government continued, in all impunity, to ignore those appeals by the international community, in flagrant contravention of article 9 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights. He wished to stress that the acts to which he was referring indeed constituted a crime under international law, and that they should be punished as such. The Security Council was currently considering the report submitted by the Secretary-General in document S/25149, while Israel continued to ignore the text of resolution 799 (1992).

12. Israel's refusal to ensure the safe and rapid return of the Palestinian deportees called for new measures by the Security Council. The Secretary-General had urged the Council to face up to its responsibility by securing Israel's compliance with resolution 799 (1992); the credibility of the entire Organization depended on its doing so. If the Security Council did not wish to be accused of appeasement of the Israeli authorities, it must do all in its power to impose full compliance with that resolution and the return of the Palestinian deportees to their homes. The Israelis had always subjected the occupied territories to a policy of collective punishments, and the expulsions were the latest episode in that process. In the past, even the most repressive regimes had stopped short of destroying civilian dwellings by shelling. Those were undoubtedly war crimes, calling for an energetic reaction by the international community.

13. He invited the members of the Commission to refer to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, that of Amnesty International, and other reports by the Secretary-General. The conclusion to be drawn from all of them was that the human rights violations

that were taking place would not have occurred if the fundamental and initial violation of which the Israeli Government was guilty, namely the occupation of the Arab territories, had not been tolerated. In the absence of a unanimous and uncompromising reaction on the part of the international community and the United Nations, the Israeli authorities went about their criminal business in all impunity.

14. Mr. FATHI MASRI (Syrian Arab Republic) said he deeply deplored the steadily worsening human rights situation in the occupied Arab territories. Palestinians had been shot down in the West Bank and Gaza Strip, and the Israeli authorities continued with impunity to bomb south Lebanese villages. The policy of deportation was being pursued and even intensified: on 17 December 1992, 415 Palestinians had been deported from their country to Lebanon, in flagrant violation of the Fourth Geneva Convention and of Lebanese sovereignty. Syrians were also being pressured by Israel in various ways to quit their lands. There could be no doubt concerning the desire of Mr. Rabin's Government to create new settlements in the occupied territories.

15. Israel continued to defy Security Council resolutions which, for dozens of years, had remained dead letters. Yet Security Council resolution 799 (1992) strongly condemned the deportation of hundreds of Palestinian civilians as a serious contravention of the provisions of the Fourth Geneva Convention, and reaffirmed the independence, sovereignty and territorial integrity of Lebanon. In carrying out those deportations, the Israeli Government had acted in flagrant violation of all existing legal and humanitarian principles, and was thus guilty of war crimes and of crimes against humanity. Those operations were directly linked to Israel's expansionist ambitions and the desire to empty Palestinian territories of their inhabitants in order to install Jewish settlers there and create a Greater Israel. Since 1967, the Israeli Government had held the occupied territories under its rule of violence and terror, refusing with impunity to implement United Nations resolutions.

16. In his report to the Security Council dated 25 January 1993 (S/25149), the Secretary-General recalled that the deportation of the 415 Palestinians was just another link in the long chain of violations of human rights perpetrated by the Israeli Government, and that Israel's refusal to authorize Palestinians to return to their country was a challenge to the Council's authority. The speaker welcomed the firm tone adopted by the Secretary-General and urged that everything necessary be done to secure respect for resolution 799 (1992).

17. The heroic intifada, which had been waged for more than five years by the inhabitants of the occupied territories, demonstrated that nothing could stifle the resistance of the local populations, despite a constant hardening of the methods employed by the Israelis. The peace process which had been launched in the region could be brought to a successful conclusion only if Israel agreed to abide by Security Council resolutions 228 (1966), 338 (1973), 425 (1978) and 799 (1992).

18. Mr. LARSEN (Observer for Denmark), speaking on behalf of the States members of the European Community, firmly condemned the recent decision by the Israeli Government to deport 415 Palestinians, and urged the Israeli

authorities to comply with Security Council resolution 799 (1992). Those deportations were not only a breach of the provisions of the Fourth Geneva Convention, but also an infringement of Lebanese sovereignty and of international law.

19. The States members of the European Community were convinced that a just and lasting solution to the Arab-Israeli conflict and the Palestinian question must be based on resolutions 242 (1967) and 338 (1973), the full application of which was one of the objectives of the peace process initiated at Madrid on 30 October 1991.

20. The European Community welcomed the decisions by the Israeli Government concerning the reopening of universities, the release of some prisoners and the relaxation of legislation on contacts between Israelis and members of the PLO. Unfortunately, those various positive steps had had only a limited effect on the actual situation of Palestinians in the occupied territories, and seemed to be currently overshadowed by the illegal deportation of more than 400 Palestinians. The European Community called on Israel to stop immediately all settlement activity in the occupied territories, including East Jerusalem.

21. The States members of the European Community were very concerned about the treatment of Palestinians held without trial in Israeli prisons. The Community hoped, in view of the improvements recently announced by the Israeli authorities, that those prisoners would henceforward be treated in accordance with international law. Furthermore, it deplored the use, which was frequently excessive, of force by the Israeli security forces during Palestinian demonstrations, as well as the regular imposition of curfews which had the effect of punishing the civilian population in its entirety. Such measures were not only a grave violation of human rights but also had a negative impact on the economic and social situation of the population. Furthermore, curfews were a serious impediment to the work of United Nations relief agencies. The European Community therefore urged the Israeli Government to put an end to those measures. The member States of the European Community further urged the Israeli Government to repeal the policy of deportations, which constituted a violation of human rights and could harm the peace process.

22. The European Community and its member States strongly condemned violence and terror from whatever source; they remained firmly committed to the negotiations begun at Madrid, in which they intended to continue to play a constructive role, hoping that the negotiations would produce substantial results. If so, interim arrangements for self-government might be in place in 1994; that could not fail to bring about a fundamental improvement in the human rights situation in the territories occupied by Israel.

23. Mr. CORDONE (Amnesty International) said that, despite the opening of peace negotiations in October 1991, the human rights situation in the territories occupied by Israel continued to be of grave concern. In 1992, Israeli forces, including plain-clothes policemen, had shot dead more than 120 Palestinians, some of whom had been killed in circumstances suggesting summary executions if not pure and simple murders. It appeared that, in some

cases, the Israeli forces had prevented medical help from being given to the victims.

24. Amnesty International had repeatedly urged the Israeli Government to review its official guidelines on the use of firearms, to investigate allegations of human rights violations, and to bring to justice those responsible for such violations. The steps taken so far by the Israeli Government suggested that it was, at best, not concerned when Palestinians were executed by the armed forces, and washed its hands of all responsibility in the matter.

25. During 1992, the Israeli authorities had continued to subject Palestinian detainees to torture or degrading treatment. Three had died in detention, and a fourth shortly after release. Amnesty International urged the Israeli Government to bring its official interrogation guidelines, currently under review, into line with the international prohibition of torture and degrading treatment.

26. Amnesty International welcomed the decision by the Knesset in January 1993 to repeal legislation banning peaceful contacts between Israelis and organizations such as the Palestine Liberation Organization (PLO). Amnesty International had also noted with satisfaction the cancellation, in August 1992, of deportation orders against 11 Palestinians. Consequently, the decision by the Israeli Government in December 1992 to amend the relevant legislation in a matter of hours and to deport more than 400 Palestinians had been all the more shocking. Amnesty International called upon Israel to permit their return, charging, where appropriate, those suspected of having committed offences.

27. Sight should not be lost of the victims of human rights violations in South Lebanon. Some 200 detainees were held in the Khiam detention centre in what Israel described as its "security zone". They were frequently tortured and denied visits by their families or humanitarian organizations such as the International Committee of the Red Cross. Even though the Khiam detention centre was run by the South Lebanon Army (SLA), it was in territory under Israeli military control. Moreover, evidence indicated that Israeli officers had been directly involved in torture, at least until 1988. Israeli and SLA officials had repeatedly offered to liberate those detainees, as well as at least 20 other Lebanese held in Israel, in exchange for the release of, or for information about, four Israeli soldiers and a number of SLA members missing in Lebanon. That meant that the persons in question were being held as hostages; they should be immediately and unconditionally released. If any of them had committed offences, they should nevertheless be protected from torture and degrading treatment and allowed visits by families and representatives of the ICRC.

28. Amnesty International was also concerned about the fate of the missing Israeli soldiers and SLA members. They, too, should be protected from torture and degrading treatment and allowed visits by families and representatives of the ICRC. In 1992, Palestinians - members of armed groups and others - had killed 19 Israeli civilians as well as more than 200 Palestinians, most of whom had been suspected of "collaborating" with the Israeli authorities and some of whom had even been tortured before being executed. While condemning

the use of torture, Palestinian leaders generally appeared to have endorsed the execution of "collaborators". Amnesty International once again urged the PLO and the Islamic Resistance Movement (HAMAS) to do all in their power to prevent the murder of Israeli civilians and the arbitrary killing of alleged Palestinian "collaborators".

29. Lastly, Amnesty International noted that the Commission had frequently condemned human rights violations by Israel, whose authorities nevertheless persisted in committing serious violations. The Commission should thus seek more effective ways to ensure that Israel respected its human rights obligations.

30. Mr. LITTMAN (International Fellowship of Reconciliation) said that it was the responsibility of the United Nations bodies to open the way towards a peaceful settlement of differences in the Middle East. They should thus follow more closely the evolution of the situation and at least refer in their resolutions to the negotiations that were under way. Non-governmental organizations also had a part to play in the arduous process of reconciliation. That was why, on learning of the Israeli Government's decision to banish more than 400 militants of the HAMAS movement, his organization had immediately reacted by advising the Israeli Prime Minister to reverse his decision. Unfortunately, against the advice of the Israeli Minister of Justice, Prime Minister Rabin, with overwhelming backing from the Israeli population, had remained inflexible.

31. As long ago as 1989, his organization had alerted the Commission (E/CN.4/1989/SR.2) concerning the contents of the "Covenant of Hamas" which it regarded as "a blueprint for genocide". The direct link between some of the themes developed therein and Nazi doctrine was flagrant. In both cases, inspiration was drawn mainly from the notorious "Protocols of the Elders of Zion", a proven forgery produced in 1903 in Russia, the text of which could have been seen on sale in May 1988 at the official stand of the Islamic Republic of Iran at the Geneva International Book Fair, until it was withdrawn by order of the Genevan courts. The "Covenant of Hamas" based on intolerance, hatred and terror, was the credo of one of the fundamentalist movements whose turbulent arrival was announced everywhere. To contain that tidal wave, it was essential to strengthen the dike constituted by the International Bill of Human Rights. The fundamental question thus arose as to how a democratic State was to cope with such a resolute and ruthless enemy, willing to use every technique of terror. Internment of terrorists might be a solution, and that was probably what would actually happen, judging by a recent decision of the Israeli Supreme Court. It might be thought that banishment for a period of two years would be a more humane measure, but such humanitarian considerations had little weight in the face of international law.

32. The International Fellowship of Reconciliation believed that a genuine solution must depend on longer-range action that would come to grips with the economic, political and religious causes of such ideologies of hatred, exclusion and revenge. That was why it was in favour of the creation of a future confederation comprising Israel, Jordan and the Palestinians. It should, moreover, be pointed out that, since August 1992, that idea had been envisaged by many personalities including, inter alia, Faisal Husseini, Yitzhak Rabin and King Hassan II of Morocco. It was also time for

negotiations with a view to placing the Gaza Strip under a 10-year United Nations mandate, while at the same time pursuing the current Middle East negotiations, based on the Madrid Arrangements, which could result in a provisional settlement in the Judea-Samaria/West Bank and Golan areas.

33. The International Fellowship for Reconciliation was ready, if the ideas it was putting forward found favour among States members of the Commission or observers, to prepare further proposals on the subject, which it would present in the form of a written statement.

The meeting rose at 12.30 p.m.